

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

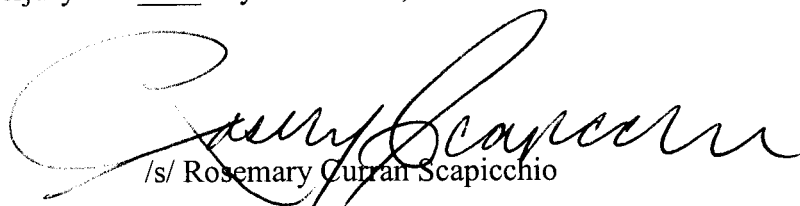
SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

AFFIDAVIT OF ROSEMARY SCAPICCHIO

1. I, Rosemary Scapicchio, Esquire, am counsel for the Plaintiff Shawn Drumgold in the above-entitled matter.
2. I began to represent Shawn Drumgold in 1991 in connection with post-conviction representation arising from his conviction for murder.
3. In 1991, I asked Mr. Stephen Rappaport, Esq., who had represented Shawn Drumgold at trial, to provide me with a copy of his file on the Drumgold case. He produced a file to me.
4. On several occasions in the next several years I asked Mr. Rappaport whether he was sure that he did not have any additional documents or notes from the Shawn Drumgold file. He assured me on each occasion that he had given me everything that he had. I specifically asked him whether he had any notes. He told me that if there were no notes in what he provided to me, then he had no notes.
5. As part of the Response to City of Boston's First Request for Production of Documents in this case, I produced copies of all of the documents which I received from Mr. Rappaport. I did not receive any hand-written notes from Mr. Rappaport.

6. I take personal offense at the suggestion that I destroyed any documents in connection with this case, and in particular that I destroyed any notes received from Mr. Rappaport. I deny those baseless accusations.
7. I knew Gatewood West as a friend and supporter of Shawn Drumgold around the time of the hearing on the Motion for New Trial.
8. I remember Ms. West offering to help while she was waiting outside the Courtroom during the hearing on the Motion for New Trial. Because she was not a lawyer, legal intern, or trained paralegal, but simply a friend of the Defendant, I did not look to her for assistance in connection with preparation of witnesses. I think she might have told me at times which witnesses had shown up to the Courthouse.
9. I have no memory of Ms. West providing me with any notes. If she did provide me with notes, they were inconsequential since I am sure that she did not conduct any formal or substantive interviews with the witnesses who were waiting to testify prior to the hearing on the Motion for New Trial.
10. I do not have, and never remember having under my custody, care or control, any notes written by Gatewood West.

Signed under the pains and penalties of perjury this 30th day of October, 2007.



/s/ Rosemary Curran Scapicchio

Rosemary Curran Scapicchio, Esq.
Four Longfellow Place
Boston MA 02114
617 263 7400
BBO 558312